

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**SCOTT TURNAGE , CORTEZ D. BROWN,
DEONTAE TATE, JEREMY S. MELTON,
ISSACCA POWELL, KEITH BURGESS, TRAVIS
BOYD, TERRENCE DRAIN, and KIMBERLY
ALLEN on behalf of themselves and all similarly
situated persons,**

Plaintiffs,

V.

BILL OLDHAM, in his individual capacity as former Sheriff of Shelby County, Tennessee; FLOYD BONNER, JR., in his official capacity as Sheriff of Shelby County, Tennessee; ROBERT MOORE, in his individual capacity as former Jail Director of Shelby County, Tennessee; KIRK FIELDS, in his official capacity as Jail Director of Shelby County, Tennessee; CHARLENE McGHEE, in her individual capacity as former Assistant Chief of Jail Security of Shelby County, Tennessee; REGINALD HUBBARD, in his official capacity as Assistant Chief of Jail Security of Shelby County, Tennessee; DEBRA HAMMONS, in her individual capacity as former Assistant Chief of Jail Programs of Shelby County, Tennessee; TIFFANY WARD in her official capacity as Assistant Chief of Jail Programs of Shelby County, Tennessee; SHELBY COUNTY, TENNESSEE, a Tennessee municipality; TYLER TECHNOLOGIES, INC., a foreign corporation; GLOBAL TEL*LINK CORPORATION, a foreign corporation; SOFTWARE AG USA, INC., a foreign corporation; SIERRA-CEDAR, INC., a foreign corporation, SIERRA SYSTEMS GROUP, INC., a foreign corporation; and TETRUS CORP, a foreign corporation

Defendants.

**JOINT MOTION FOR SECOND AMENDED SCHEDULING ORDER WITH
SUPPORTING MEMORANDUM**

COME NOW Plaintiffs and all Defendants, (collectively, the “Parties”) and submit their Joint Motion for Second Amended Scheduling Order. The Parties respectfully request that the Court amend the existing Scheduling Order (Doc. 186), by extending the deadline stated therein for completion of class discovery and the deadlines for filing motions for class certification and related responses, replies, and sur-replies, by six (6) months, which includes an “early mediation” deadline of March 3, 2020, all as stated in the Parties’ proposed Second Amended Scheduling Order attached hereto as Exhibit A. In support of this Motion, the Parties respectfully show and state as follows:

1. This matter is a possible class action. Plaintiffs filed their Fifth Amended Class Action Complaint on February 26, 2019, adding three new defendants to this action - Global Tel*Link Corporation, Sierra-Cedar, Inc., and Software AG USA, Inc. In light of the addition of these three new Defendants, the parties previously moved to amend the Scheduling Order (Doc. 184), which the Court granted. (Doc. 186).

2. On May 1, 2019, Plaintiffs filed a Sixth Amended Complaint which added a new Defendant, Sierra Systems, Inc. Thereafter on June 19, 2019 Plaintiffs filed a Seventh Amended Complaint to add another new Defendant, Tetras Corp. On July 12, 2019, Sierra Systems Group filed an Answer. On August 6, 2019, Tetras filed an Answer.

3. The Parties have agreed to bifurcate class certification from merits discovery, with class discovery and class certification briefing to occur first. The current scheduling order (Doc. 186) was entered by the Court on April 10, 2019. During this time there has been an ongoing discovery dispute between Plaintiffs and Shelby County. After multiple hearings on this discovery dispute, Magistrate Judge Tu M. Pham recently entered his order on August 26, 2019 (Doc. 239), governing Shelby County’s production of documents requested by Plaintiffs, which

involved over one hundred thousand emails to or from a host of Shelby County employees. Pursuant to Magistrate Judge Pham's Order, these emails were produced by Shelby County to Plaintiff and the other Defendants on September 3, 2019.

4. The Parties would show that additional class discovery after the review of Shelby County's document production will need to be taken, including for example, any written discovery by the two (2) new defendants that they wish to take, depositions of certain Parties, and potentially other discovery, including but not limited to expert discovery if any experts pertaining to class certification are disclosed by the Parties. Further, the movants previously agreed that this case should be mediated on or before September 6, 2019. Due to the recent addition of two new Defendants as well as the production of Shelby County emails on September 3, 2019, it is obvious that mediation by this Friday is an impossible task. Based on the foregoing, the Parties respectfully submit that the existing deadline for completing class discovery needs to be extended by six (6) months, from November 13, 2019 to May 18, 2020, and further submit that a deadline for Plaintiffs' disclosure of experts pertaining to class certification should be reset to March 16, 2020 and a deadline for Defendants' disclosure of experts pertaining to class certification should be reset to April 16, 2020.

5. Extending the class discovery deadline and the deadlines for filing class certification motions, response, replies and sur-replies, will not unreasonably delay this matter as no trial date has been set in this case.

6. The Parties further submit that based on the foregoing proposed extension of the deadline for completion of class discovery, the existing deadline for filing class certification motions should be extended six (6) months as well, from December 4, 2019 to June 22, 2020, and that corresponding deadlines for responses, replies, and sur-replies pertaining to class certification

motions should each be extended by six (6) months, with the deadline for Defendants' Responses to motions for class certification extended from January 8, 2020 to July 24, 2020, the deadline for Plaintiffs' Replies to Defendants' Responses extended from January 22, 2020, to August 7, 2020, and the deadline for Defendants' Sur-Replies to Plaintiffs' Replies, extended from February 5, 2020 to August 21, 2020.

7. Rule 6(b) of the Federal Rules of Civil Procedure states that "when an act must be done within a specified time, the court may, for good cause, extend the time..." Fed. R. Civ. P. 6(b)(1)(A). The Parties respectfully submit that the foregoing stated facts constitute "good cause" for amending the existing scheduling order in this case pursuant to Fed. R. Civ. P. 6(b)(1)(A) and pursuant to the provision of the Court's existing Scheduling Order (Doc. 186).

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that this Honorable Court amend the existing Scheduling Order (Doc. 186) as outlined above and in the attached [Proposed] Second Amended Scheduling Order, in order to allow sufficient time for the Parties to complete class discovery in an orderly and efficient manner and to provide corresponding new deadlines for the filing of class certification motions and the related responses, replies and sur-replies.

Dated: September 5, 2019

Respectfully submitted,

s/ Frank L. Watson, III

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on September 5, 2019, a true and correct copy of the foregoing document was forwarded by email to:

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